

MAINE STATE LEGISLATURE

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7
R.S.

L.D. 717

DATE: 5-19-99

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 510, L.D. 717, Bill, "An Act to Amend the Election Laws"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 21-A MRSA §101, first ¶, as amended by PL 1997, c. 436, §13, is repealed.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 21-A MRSA §101, sub-§2, as amended by PL 1997, c. 436, §15, is repealed and the following enacted in its place:

2. Appointment. The municipal officers of each municipality shall appoint in writing a qualified registrar of voters by January 1st of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar.'

Further amend the bill by inserting after section 3 the following:

'Sec. 4. 21-A MRSA §103, sub-§6, as repealed and replaced by PL 1995, c. 459, §9, is amended to read:

6. Hours. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the

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2 registration appeals board shall immediately fix a time and place
3 for the board to meet for a prompt hearing. After hearing, the
4 board may affirm, modify or reverse the decision of the registrar
5 of voters. The aggrieved person may appeal the decision of the
6 board to the ~~District~~ Superior Court in accordance with Rule 80B
of the Rules of Civil Procedure.'

8 Further amend the bill by striking out all of section 15.

10 Further amend the bill by inserting after section 15 the
11 following:

12 'Sec. 16. 21-A MRSA §601, sub-§4, as amended by PL 1997, c.
13 436, §68, is further amended to read:

14
15 4. **Distinctively colored.** The ballots must be printed
16 separately for each political party on paper of a distinctive
17 color: white for the party that cast the greatest number of
18 votes for Governor at the last gubernatorial election, and yellow
19 for the 2nd highest, ~~blue for the 3rd highest, and green for the~~
20 4th highest. The Secretary of State shall choose a distinctive
21 color for ballots for any other political party. For
22 municipalities ~~which~~ that include more than one single member
23 district of the House of Representatives, or parts of more than
24 one single member district, the Secretary of State may prepare
25 primary election ballots of one or more distinctive colors for
26 each single member district or part thereof of a single member
27 district within the municipality.

30 Sec. 17. 21-A MRSA §601-A, sub-§3, as amended by PL 1993, c.
31 334, §4, is further amended to read:

32
33 3. **Distinctively colored.** The ballots must be printed
34 separately for each political party on paper of a distinctive
35 color: white for the party that cast the greatest number of
36 votes for Governor at the last gubernatorial election, and yellow
37 for the 2nd highest, ~~blue for the 3rd highest, and green for the~~
38 4th highest. The Secretary of State shall choose a distinctive
39 color for ballots for any other political party.

40
41 Sec. 18. 21-A MRSA §628, sub-§3, as amended by PL 1995, c.
42 459, §50, is further amended to read:

43
44 3. **Defective, lost or destroyed.** If a ballot box becomes
45 defective, lost or destroyed, the clerk must ~~apply in writing to~~
46 notify the Secretary of State ~~for another.~~ The in writing and
47 the Secretary of State shall ~~supply or~~ approve a replacement at
48 the expense of the municipality.'

50 Further amend the bill in section 17 in paragraph B in the

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first line (page 5, line 26 in L.D.) by striking out the following: "child" and inserting in its place the following: 'child person'

Further amend the bill in section 17 in paragraph B in the 2nd line (page 5, line 27 in L.D.) by striking out the following: "child" and inserting in its place the following: 'child person'

Further amend the bill by inserting after section 24 the following:

'Sec. 25. 21-A MRSA §751, sub-§7, as amended by PL 1997, c. 436, §105, is further amended to read:

7. Residence in certain facilities. Residence in a Level II licensed nursing home, as defined in Title 22, chapter 405, licensed boarding-home residential care facility, as defined in Title 22, chapter 1665, or certified congregate housing unit, as defined in Title 22, chapter 1665. Residents of those facilities may cast absentee ballots when the clerk is present;

Sec. 26. 21-A MRSA §753, sub-§3-A, as amended by PL 1995, c. 670, Pt. A, §2 and affected by Pt. D, §5, is further amended to read:

3-A. Alternate method of balloting by residents of certain facilities. The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk must be present in any licensed-nursing-home, as defined in Title 22, chapter 405, licensed-boarding-home, as defined in Title 22, chapter 1665, or certified-congregate housing unit, as defined in Title 22, chapter 1665, facility specified in section 751, subsection 7 for the purpose of absentee balloting by the residents of these homes--or--units facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

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RWS

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FISCAL NOTE

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The Department of the Secretary of State will realize some minor savings from removing their involvement in certain aspects of the Commission on Governmental Ethics and Election Practices' process.

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The Department of the Secretary of State will incur some minor additional costs to administer the filing of declarations by a write-in candidate. These costs can be absorbed within the Bureau of Corporations, Elections and Commissions' existing budgeted resources.

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The Commission on Governmental Ethics and Election Practices will incur some minor additional costs to assume certain enforcement activities. These costs can be absorbed within the commission's existing budgeted resources.

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Requiring ballots and lists to be returned within a certain time frame does not constitute an unfunded mandate because it proposes to put into law language concerning the delivery of ballots and lists to the municipal elections clerk that conforms to current training and practice for municipalities. This requirement does not expand or modify municipalities' election activities so as to necessitate additional expenditures from local revenues.'

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SUMMARY

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This amendment makes technical changes to the original bill. It strikes the provision that allows student election clerks to fill vacancies in the office of election clerk. It clarifies references to residential care facilities. It also adds a fiscal note to the bill.